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5 UNITED STATES DISTRICT COURT
6 EASTERN DISTRICT OF WASHINGTON

7 ANDREA JOY LYONS; MARK
8 GEERHART,

9 Plaintiffs,

10 v.

11 STATE OF WASHINGTON, CHILD
12 PROTECTIVE SERVICES, a Division of
13 THE DEPARTMENT OF SOCIAL AND
14 HEALTH SERVICES; Employee's
15 FRANCESCA GUZMAN in her individual
16 and official capacity; EAST VALLEY
17 ELEMENTARY SCHOOL, DISTRICT
18 NO. 90, Yakima County, State of
19 Washington; COLEEN CROWSTON, in
20 her individual and official capacity as
Principal of East Valley Elementary School;
LISA BARTHELD (Counselor), in her
individual and official capacity; CAROLYN
SAUVE (Administrative Assistant), in her
individual and official capacity; and
MELODY ANN LUKE (R.N.), in her
individual and official capacity,

Defendants.

NO. 1:17-CV-3108-TOR

ORDER GRANTING
DEFENDANTS' MOTION FOR
PROTECTIVE ORDER

BEFORE THE COURT is Defendants' Motion and Memorandum for Protective Order. ECF No. 22. This matter was submitted for consideration without oral argument. The Court has reviewed the record and files herein, and is fully informed. For the reasons discussed below, Defendants' Motion for Protective Order (ECF No. 22) is **GRANTED**.

BACKGROUND

This action arises out of the Washington State Department of Social and Health Services' referral and investigation of potential child abuse or neglect of C.T. by Kevin Teeman. ECF No. 22 at 2. Plaintiffs Andrea Joy Lyons and Mark Geerhart assert 42 U.S.C. § 1983 claims and First, Fourth, and Fourteenth Amendment claims under familial association, privacy, and warrantless seizure and removal of children. ECF No. 12 at 20, 24. Plaintiffs also aver a *Monell* claim against Defendants State of Washington, Child Protective Services, and East Valley School District. *Id.* at 28. Plaintiffs bring state law claims for violation of state civil rights, intentional infliction of emotional distress, assault, battery, false imprisonment, abuse of process, invasion of privacy, and negligence. *Id.* at 33–50.

Defendants the Department of Social and Health Services (“Department”) and Francesca Guzman filed a Motion for Protective Order. ECF No. 22.

Defendants East Valley School District, Colleen Crowston, Lisa Bartheld, Carolyn Sauve, and Melody Ann Luke joined the Motion for Protective Order. ECF No.

1 24. At the joint discovery conference, the attorney for Defendants Ms. Guzman
2 and Department attempted to explain to Plaintiffs the need for a protective order
3 before disclosing third-party protected information. ECF No. 23 at ¶ 3. Plaintiffs
4 have failed to timely respond.

5 **DISCUSSION**

6 Under Federal Rule of Civil Procedure 26(b)(1), the scope of discovery is
7 broad and includes “any nonprivileged matter that is relevant to any party’s claim
8 or defense....” Fed. R. Civ. P. 26(b)(1). Yet, under Federal Rule of Civil
9 Procedure 26(c)(1), the court may, for good cause, issue an order limiting
10 discovery to protect a party from “annoyance, embarrassment, oppression, or
11 undue burden or expense.” Fed. R. Civ. P. 26(c)(1).

12 Here, Plaintiffs sent a discovery request for “[c]omplete and unredacted case
13 notes of Andrea Lyons and Kevin Teeman.” ECF No. 23 at 5 (Ex. A). Defendants
14 do not contest that the request contains discoverable information involving the
15 parties’ claims and defenses. ECF No. 22 at 4. Yet, Defendants assert that a large
16 portion of the Department’s investigation, records, case notes, and other files
17 contain confidential and privileged information of third parties. *Id.* at 2.
18 Defendants state that the Department cannot waive any third parties’ privilege,
19 confidentiality, or privacy interests and therefore requests a protective order. *Id.*

1 Defendants cite eight statutes and regulations protecting such information. *See id.*
2 at 4–5.

3 The Court finds that Defendants have in good faith attempted to confer with
4 Plaintiffs and demonstrated good cause for issuance of a protective order. Such an
5 order ensures that the third-party privileged information regarding Mr. Teeman and
6 the confidential medical records of C.T. are not disclosed to the public. Plaintiffs
7 will also not suffer prejudice with entry of this Order. Accordingly, the Court
8 grants Defendants’ Motion for Protective Order. ECF Nos. 22, 24


9 **ACCORDINGLY, IT IS HEREBY ORDERED:**

10 Defendants’ Motion for Protective Order (ECF No. 22) and Joinder (ECF
11 No. 24) are **GRANTED**. The Proposed Protective Order, filed as ECF No. 22-1, is
12 approved and shall be entered. The parties shall abide by the Protective Order.

13 The District Court Executive is directed to enter this Order and furnish
14 copies to the parties.

15 **DATED** November 27, 2017.




THOMAS O. RICE
Chief United States District Judge